**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1049 OF 2003**

The State of Maharashtra ...Appellant

Versus

Arun Hendar Naik & Ors. ...Respondents

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Ms. S.V. Gajare, A.P.P. for Appellant

Mr. Ganesh Gole i/b Mr. S.R. Mithare, Advocate for Respondents.

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**CORAM: SMT. V.K. TAHILRAMANI, J.**

**DATED: 9TH JUNE, 2005**

**P. C.:-**

1. Heard the learned A.P.P. for the appellant i.e. the State of Maharashtra and Mr. Gole, the learned advocate for the respondents i.e. original accused.

2. This appeal has been preferred against the judgment and order dated 7.4.2003 passed by the learned Ad-hoc Additional District and Sessions Judge, Thane in Sessions Case No. 177 of 2000. By the said judgment and order the learned Sessions Judge acquitted all the accused i.e. the respondents herein of the offence punishable under Sections 143, 147, 149, 504, 506 and Section 3(1) (X) of the Scheduled Caste and Scheduled Tribes (Prevention of

Atrocities) Act, 1989. Being aggrieved by the said judgment and order of acquittal, this appeal has been preferred by the State of Maharashtra.

3. I have heard the learned A.P.P. for the appellant and perused the judgment and order of the learned Sessions Judge as well as the record pertaining to the present case. After carefully considering the matter, I am of the opinion that this appeal deserves to be dismissed.

4. The complainant P.W.1 Sakhubai had erected unauthorised structure i.e. a hut. It is the prosecution case that this hut was dismantled by the accused persons and while doing so the accused persons abused the complainant in filthy language referring to her caste and also criminally intimidated her.

5. In the present case there are only two witnesses i.e. P.W.1 Sakhubai and P.W.3 Manubai who claim to be the witnesses to the incident. Only Sakhubai was abused by the accused persons and Manubai was present at that time. It is pertinent to note that none of these two witnesses have specifically stated as to which of the accused persons uttered the abuses. Another fact which is clearly seen from the record is that there is delay of one month in filing of the

complaint. No plausible explanation has been furnished by the complainant for the said delay. The learned Sessions Judge has taken these aspects into consideration as well as the fact that the officer who investigated the crime was not of the required designation. After taking all these aspects into consideration, the learned Sessions Judge has acquitted the accused persons of the offences charged.

6. Looking to the evidence on record, I am of the opinion that the view taken by the learned Sessions Judge is a reasonable and possible view. It is well settled that if the view of acquittal could have been reasonably arrived at by the trial Court, then mere circumstance that the appellate Court would have taken a different view shall be no ground to interfere with the acquittal. In this connection thare are no dearth of authorities but to eschew prolixity, I am referring to only one of them i.e. **AIR 1995 SC 280 Ram Kumar Vs. State of Harayana.** I have already observed above, the view taken by the learned Sessions Judge is a reasonable and possible view, hence, no interference is called for and the appeal is dismissed.

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